

Form 149

**IN THE UNITED STATES BANKRUPTCY COURT
FOR THE WESTERN DISTRICT OF PENNSYLVANIA**

In re:

Dwayne R. Hagerty
Sally E. Hagerty
Debtor(s)

Bankruptcy Case No.: 17-21538-GLT
Issued Per 2/28/2019 Proceeding
Chapter: 13
Docket No.: 130 – 123
Concil. Conf.: February 28, 2019 at 02:00 PM

**ORDER OF COURT CONFIRMING PLAN AS MODIFIED
AND SETTING DEADLINES FOR CERTAIN ACTIONS**

(1.) PLAN CONFIRMATION:

IT IS HEREBY ORDERED that upon consent of the Debtor(s), the Chapter 13 Plan dated January 4, 2019 is CONFIRMED as modified at the Plan confirmation hearing. Terms of the Plan not expressly modified by this Order remain in full force and effect. A copy of this Plan was previously mailed to you. *Only those provisions which are checked below apply to this case:*

- ☐ A. For the remainder of the Plan term, the periodic Plan payment is amended to be \$ as of . Debtor(s)' counsel shall file a motion to amend the income attachment order within seven (7) days of the date of this Order.
- ☐ B. The length of the Plan is increased to a total of months. This statement of duration of the Plan is an approximation. The Plan shall not be completed until the goals of the Plan have been achieved. The total length of the Plan shall not exceed sixty (60) months.
- ☐ C. Plan confirmation is on an interim basis only as a form of adequate protection. The Trustee is authorized to distribute to secured and priority creditors with percentage fees. ***A final plan conciliation conference will be held on Feb. 28, 2019 at 02:00 PM, in 3251 U.S. Steel Tower, 600 Grant Street, Pittsburgh, PA 15219.*** If the Parties cannot resolve all disputes at the conciliation conference, a hearing will be scheduled and orally announced at the conclusion of the conference without any further written notice to any party. Parties are directed to monitor the Court's docket and read the Chapter 13 Trustee's minutes of the conciliation conference to the extent such parties desire more information regarding the outcome of the conciliation conference.
- ☐ D. Plan confirmation is subject to the resolution of all actions to determine the avoidability, priority, or extent of liens; including determination of the allowed amount of secured claims under 11 U.S.C. §506, disputes over the amount and allowance of claims entitled to priority under 11 U.S.C. §507, and all objections to claims.
- ☐ E. The allowed claims of general unsecured creditors shall be paid from available funds on a pro rata basis, which may represent an increase or decrease in the amount projected in the Plan.
- ☐ F. shall be paid monthly payments of \$ beginning with the Trustee's distribution and continuing for the duration of the plan term, to be applied by that creditor to its administrative claim, budget payments and/or security deposit. These payments shall be at the third distribution level.
- ☐ G. The claims of the following creditors shall govern as to amount, classification and rate of interest (or as otherwise noted), unless the Debtor(s) successfully objects to the claim: .
- ☒ H. Additional Terms: A fee application is needed if any fee (including retainer) exceeds \$4,000.00 including any fees paid to prior counsel.

(2.) IT IS FURTHER ORDERED THAT THE FOLLOWING DEADLINES ARE ESTABLISHED:

A. Objections to the Plan. Pursuant to *Fed.R.Bankr.P. 2002(b)*, this Order shall not become final for a period of twenty-eight (28) days. Any party in interest with an objection to any provision of this Confirmation Order must file a written objection within that twenty-eight (28) day period. Failure to timely object shall be deemed a waiver of all objections and an acceptance of the provisions of this confirmed Plan. The Trustee may disburse funds pursuant to this confirmation order upon its entry.

B. Applications to retain brokers, sales agents, or other professionals. If the Plan contemplates sales of assets or litigation proceeds as a source of funding, Debtor(s) shall file motion(s) to employ the necessary professionals within thirty (30) days hereof.

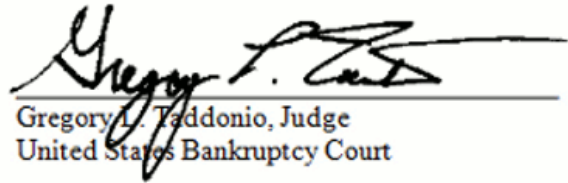
C. Review of Claims Docket and Objections to Claims. Pursuant to *W.PA.LBR 3021-1(c)(2)*, the Debtor or Debtor's attorney, if represented, shall review the proofs of claim filed and shall file objections to any disputed claims within ninety (90) days after the claims bar date or, for late filed or amended claims, within ninety (90) days after they are filed and served. Absent an objection, the proof of claim will govern as to the classification and amount of the claim. Objections filed after the ninety (90) days specified herein shall be deemed untimely.

D. Motions or Complaints Pursuant to §§506, 507 or 522. All actions to determine the priority, avoidability, or extent of liens, all actions pursuant to *11 U.S.C. §§506, 507 and 522* shall be filed within ninety (90) days after the claims bar date.

E. Filing Amended Plans. Within fourteen (14) days after the Bankruptcy Court resolves the priority, avoidability, or extent of a lien, or any objection to claim, the Debtor(s) shall file an amended Plan to provide for the allowed amount of the claim if the allowed amount differs from the amount stated in the plan. Debtor(s) shall also file an amended Plan within thirty (30) days after the claims bar date(s) in the event that no objection is filed and the claim(s) as filed causes the Plan to be underfunded.

(3.) ***IT IS FURTHER ORDERED THAT:***

- A.** After the claims objection deadline, the Plan shall be deemed amended to conform to the claims filed or otherwise allowed. If the Plan expressly modified the terms of payment to any creditor pursuant to *11 U.S.C. §1322(b)(2)*, nothing in this Order shall be construed to change the payment terms established in the Plan.
- B.** Any creditor who files or amends a proof of claim shall serve a copy on the Debtor(s) or counsel for the Debtor(s).
- C.** Any creditor whose payment changes due to variable interest rates, change in escrow, or change in monthly payments, shall notify the Trustee, Debtor(s)' counsel and Debtor(s) at least twenty-one (21) days prior to the change taking effect.
- D.** Debtor's counsel must file a fee application in accordance with *W.P.A.LBR 2016-1* before attorney fees in excess of the "no look" provision (including retainer) will be allowed or paid.
- E.** The Trustee shall file a *Certificate of Default and Request for Dismissal* of the case in the event of a material Plan default. If the default involves failure to make a plan payment the case will result in dismissal without further hearing upon filing and service of an *Affidavit of Default* by the Trustee. The Trustee is not precluded from raising pre-confirmation defaults in any subsequent motion to dismiss.
- F.** In the event that any order is entered in this case granting relief from the automatic stay to a secured creditor, then the Trustee shall make no further disbursements to any creditor on account of any ***secured claim*** that is secured by the subject property, unless directed otherwise by further Order of Court.



Gregory A. Taddonio, Judge
United States Bankruptcy Court

Dated: March 1, 2019

cc: All Parties in Interest to be served by Clerk in seven (7) days

Imaged Certificate of Notice Page 4 of 5

United States Bankruptcy Court
Western District of PennsylvaniaIn re:
Dwayne R. Hagerty
Sally E. Hagerty
DebtorsCase No. 17-21538-GLT
Chapter 13**CERTIFICATE OF NOTICE**

District/off: 0315-2

User: dbas
Form ID: 149Page 1 of 2
Total Noticed: 26

Date Rcvd: Mar 01, 2019

Notice by first class mail was sent to the following persons/entities by the Bankruptcy Noticing Center on Mar 03, 2019.

db/jdb
+Dwayne R. Hagerty, Sally E. Hagerty, 157 Blackhawk Road, Beaver Falls, PA 15010-1271
+David Neeren, 425 Commerce Drive, Suite 150, Fort Washington, PA 19034-2727
14403180 +Berkheimer, PO Box 25153, Lehigh Valley, PA 18002-5153
14403181 +Center for Rehab Services, P.O. Box 400458, Pittsburgh, PA 15268-0001
14403183 +FedLoan Servicing, P.O. Box 69184, Harrisburg, PA 17106-9184
14403187 +MedExpress, PO Box 719, Dellslow, WV 26531-0719
14403188 +Navient, PO Box 9575, Wilkes Barre, PA 18773-0975
14678136 +PNC Bank, N.A., 3232 Newmark Drive, Miamisburg, OH 45342-5421
14403189 +PNC Mortgage, P.O. Box 1820, Dayton, OH 45401-1820
14403190 +ROI, PO Box 62850, Baltimore, MD 21264-2850
14403192 +Rowan Dental Associates, 8050 Rowan Road, Cranberry Twp, PA 16066-3624
14403193 +Sharp Collections, 114 N. Mercer Avenue, Sharpsville, PA 16150-2211
14403194 +Sharp Collections, Inc., PO Box 81, Sharpsville, PA 16150-0081
14695089 U. S. Department of Education, c/o FedLoan Servicing, P. O. Box 69184,
Harrisburg, PA 17106-9184
14403199 +UPMC Dental, 600 Grant Street, Pittsburgh, PA 15219-2764

Notice by electronic transmission was sent to the following persons/entities by the Bankruptcy Noticing Center.

14403179 +E-mail/Text: ally@ebn.phinsolutions.com Mar 02 2019 03:37:36 Ally, PO Box 380902,
Minneapolis, MN 55438-0902
14415987 E-mail/Text: ally@ebn.phinsolutions.com Mar 02 2019 03:37:36 Ally Financial,
PO Box 130424, Roseville MN 55113-0004
14403182 E-mail/Text: mrdiscen@discover.com Mar 02 2019 03:37:36 Discover Card, P.O. Box 15251,
Wilmington, DE 19886
14412315 E-mail/Text: mrdiscen@discover.com Mar 02 2019 03:37:36 Discover Bank,
Discover Products Inc, PO Box 3025, New Albany, OH 43054-3025
14403184 E-mail/Text: blegal@phfa.org Mar 02 2019 03:38:36 HEMAP, 211 North Front Street,
PO Box 15206, Harrisburg, PA 17105-5206
14716017 E-mail/PDF: pa_dc_claims@navient.com Mar 02 2019 03:42:28
Navient Solutions, LLC. on behalf of, Department of Education Loan Services, PO BOX 9635,
Wilkes-Barre, PA 18773-9635
14404051 +E-mail/PDF: PRA_BK2_CASE_UPDATE@portfoliorecovery.com Mar 02 2019 03:42:51
PRA Receivables Management, LLC, PO Box 41021, Norfolk, VA 23541-1021
14403195 +E-mail/Text: bankruptcydepartment@tsico.com Mar 02 2019 03:39:17 Transworld System,
PO Box 15270, Wilmington, DE 19850-5270
14403196 +E-mail/Text: bankruptcydepartment@tsico.com Mar 02 2019 03:39:17 Transworld Systems,
PO Box 15520, Wilmington, DE 19850-5520
14403197 +E-mail/Text: BankruptcyNotice@upmc.edu Mar 02 2019 03:39:16 UPMC,
2 Hot Metal Street, Room 386, Pittsburgh, PA 15203-2348
14659199 +E-mail/PDF: EBN_AIS@AMERICANINFOSOURCE.COM Mar 02 2019 03:55:48 Verizon,
by American InfoSource LP as agent, 4515 N Santa Fe Ave, Oklahoma City, OK 73118-7901
TOTAL: 11

***** BYPASSED RECIPIENTS (undeliverable, * duplicate) *****

cr PNC BANK NATIONAL ASSOCIATION
cr PNC Bank, National Association
cr* +PRA Receivables Management, LLC, PO Box 41021, Norfolk, VA 23541-1021
14403186* +Heritage Valley Health, 2 Peachtree Way, Beaver, PA 15009-1954
14403191* +ROI, PO Box 62850, Baltimore, MD 21264-2850
14403198* +UPMC, 2 Hot Metal Street, Room 386, Pittsburgh, PA 15203-2348
14403185 ##+Heritage Valley Health, 2 Peachtree Way, Beaver, PA 15009-1954

TOTALS: 2, * 4, ## 1

Addresses marked '+' were corrected by inserting the ZIP or replacing an incorrect ZIP.
USPS regulations require that automation-compatible mail display the correct ZIP.

Transmission times for electronic delivery are Eastern Time zone.

Addresses marked '##' were identified by the USPS National Change of Address system as undeliverable. Notices will no longer be delivered by the USPS to these addresses; therefore, they have been bypassed. The debtor's attorney or pro se debtor was advised that the specified notice was undeliverable.

I, Joseph Speetjens, declare under the penalty of perjury that I have sent the attached document to the above listed entities in the manner shown, and prepared the Certificate of Notice and that it is true and correct to the best of my information and belief.

Meeting of Creditor Notices only (Official Form 309): Pursuant to Fed. R. Bank. P. 2002(a)(1), a notice containing the complete Social Security Number (SSN) of the debtor(s) was furnished to all parties listed. This official court copy contains the redacted SSN as required by the bankruptcy rules and the Judiciary's privacy policies.

Date: Mar 03, 2019

Signature: /s/Joseph Speetjens

District/off: 0315-2

User: dbas
Form ID: 149

Page 2 of 2
Total Noticed: 26

Date Rcvd: Mar 01, 2019

CM/ECF NOTICE OF ELECTRONIC FILING

The following persons/entities were sent notice through the court's CM/ECF electronic mail (Email) system on March 1, 2019 at the address(es) listed below:

David Neeren on behalf of Attorney David Neeren dneeren@rasnj.com
James Warmbrodt on behalf of Creditor PNC BANK NATIONAL ASSOCIATION bkgroup@kmlawgroup.com
James Warmbrodt on behalf of Creditor PNC Bank, National Association bkgroup@kmlawgroup.com
Lauren M. Lamb on behalf of Joint Debtor Sally E. Hagerty
julie.steidl@steidl-steinberg.com;courtdocs.sands@gmail.com;dambrose@steidl-steinberg.com;cgoga@steidl-steinberg.com;lamlr53037@notify.bestcase.com;rlager@steidl-steinberg.com;leslie.nebel@steidl-steinberg.com
Lauren M. Lamb on behalf of Debtor Dwayne R. Hagerty
julie.steidl@steidl-steinberg.com;courtdocs.sands@gmail.com;dambrose@steidl-steinberg.com;cgoga@steidl-steinberg.com;lamlr53037@notify.bestcase.com;rlager@steidl-steinberg.com;leslie.nebel@steidl-steinberg.com
Office of the United States Trustee ustpreion03.pi.ecf@usdoj.gov
Ronda J. Winnecour cmecf@chapter13trusteedpa.com

TOTAL: 7